

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

TRINITY MARINE PRODUCTS, INC.

and

Case 15-CA-136100

INTERNATIONAL BROTHERHOOD OF
BOILERMAKERS, IRON SHIP BUILDERS,
BLACKSMITHS, FORGERS AND HELPERS, AFL-CIO

ORDER¹

The Employer's petition to revoke Subpoena B-1-JNSCF9 is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations.² Further, the Employer

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Region indicated in its opposition brief that the Employer has provided documents responsive to paragraphs 1, 2, 3, 7, 9, 11, 12, 13, 14, 15, and 17; that the Region is not aware of any non-privileged responsive documents that the Employer has not provided; and that, based on the Employer's assurances that it is not aware of any additional responsive documents and that it will provide any additional documents of which it later becomes aware, the Region is not objecting to the Employer's response to those paragraphs. In considering the petition to revoke, we have evaluated the subpoena in light of the Region's statements with respect to the above paragraphs.

To the extent that any of the subpoenaed documents have already been produced, the Employer is not required to provide duplicates of those documents. To the extent that the subpoena encompasses some documents that the Employer believes in good faith to be subject to the attorney-client or attorney work product privileges, this Order is without prejudice to the Employer's prompt submission of a privilege log identifying and describing each such document, providing sufficient detail to permit an assessment of the Employer's claim of privilege, and the Employer is directed to produce all responsive documents not subject to any good faith claim of privilege. Further, with respect to paragraph 6 of the subpoena, which seeks "manuals or handbooks applicable to the Employer's employees, including discipline policies and rules of conduct, in effect from January 1, 2014 to the present," the Employer states that it does not maintain an "employee manual" or "handbook" for its employees at its Caruthersville, Missouri facility. Pet. p. 8. If the Employer does not maintain "manuals" or "handbooks," it is not

has failed to establish any other legal basis for revoking the subpoena. See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 23, 2015.

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

HARRY I. JOHNSON, III, MEMBER

obligated to provide them; however, the Employer must provide a complete collection of its policies applicable to its employees, in whatever format they appear, for the specified time period.